

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, October 19, 2021, at 7:00 p.m., with the following members present:

Tony Wood	Hank Guess	David L. Williams
Charlotte C. Williams	Aldermen	David P. Zagaroli
Danny Seaver		Jill Patton

A quorum was present.

Also present were City Manager Warren Wood, Deputy City Manager Rodney Miller, Assistant City Manager Rick Beasley, City Attorney John W. Crone, III, Deputy City Clerk Crystal B. Mundy and City Clerk Debbie D. Miller

- I. Mayor Guess called the meeting to order. All Council members were present.
- II. Invocation by Reverend Sandi Hood, Peace United Church of Christ Carolina Caring
- III. Pledge of Allegiance
- IV. Special Presentations

Mayor Guess welcomed everyone. He recognized special guest, Mr. Phil Yount, former Council member from Ward 5, who served for 24 years on Hickory City Council. He recognized two young men, Trevor, and Dylan in attendance. He commented they would be reading their books during the meeting instead of listening to a bunch of old people talk. He advised that was not exactly what they had said, but he understood it. He welcomed them and everyone else to the meeting.

- A. Presentation of a Proclamation for the Former Hickory Municipal Building Centennial to Patrick Daily, Executive Director, Hickory Landmarks Society, Inc. and John Rambo, Hickory Community Theatre, Managing Director.

Mayor Guess asked Mr. Patrick Daily, Executive Director of Hickory Landmarks Society, Inc., and Mr. John Rambo, Managing Director of Hickory Community Theatre to the podium. Mayor Guess read and presented a proclamation for the former Hickory Municipal Building Centennial.

Managing Director of Hickory Community Theatre Mr. John Rambo deeply appreciated the recognition. The theatre had enjoyed, for approximately 35-years, being stewards of the building and had enjoyed their partnership with the City. He thanked Council.

- V. Persons Requesting to Be Heard

- A. Mr. Sean Little, 615 4<sup>th</sup> Avenue SW, addressed City Council. He thanked Council for their service and dedication to the City. He liked to recognize people when they do something that was good. He called a guy from the Parks Department, he thought he was the head of the maintenance of the Parks, he had a question for him and was talking to him. He had to leave a message first and he called him back within 10-minutes and talk to him about all his concerns and he thought that was great. You do not get that all the time and he thought he would recognize that. He mentioned he had called and talked to Alderman Williams about it, and he did not know if it was something that they could do. They have a problem in their neighborhood. A bunch of people have dogs. He thought that was something every city has now. People like to walk them, and everybody does not usually carry bags. He does, but some people do not. He did not know if it was something that the City could do. He had seen it in other places, and he did not know if it was feasible, he was just mentioning it. He had seen it in other cities, specifically the one he noticed most recently was Statesville. They would see it throughout different places in neighborhoods, there would be a dog cleanup. A sign that tells people that they were supposed to cleanup. He knew a lot of people knew that, but some people do not. They wound up putting a fence up in their yard because so many dogs would do it, but they still have that doody patch that they still get stuff in there all the time, and they just do not clean it up. He did not know if it was something that they could do. Put up signs and maybe even a place with bags on it. He knew that was hard to replenish. They had even thought about getting their own and putting them out there, but they may or may not be surprised, but he knew they were very expensive, and they do not really have money to buy one and put up. Any kind of signage he thought would be pretty awesome because kids are not going to look, they do not care what they were stepping in. It was not very fun when it was on there. He commented it was just a thought and he just thought he would mention it. He appreciated Council's time.

Alderwoman Patton asked what Mr. Little's address was.

Mr. Little advised the Green Park area, 615 4<sup>th</sup> Avenue Southwest.

Mayor Guess asked if anyone else wished to address City Council.

- B. Mr. Thomas Swink, 1430 16<sup>th</sup> Avenue NE, advised his neighbors across the way had a big problem with authority. He did not agree with authority. He had lived there for almost 10-years. He and his nephew own the house. He advised they have a dog there that barks and there was nothing out there to bark at. He commented her husband was constantly drunk and he runs his mouth. He flirted with his wife, and he did not appreciate that. He asked if there was anything they could do.

Mayor Guess advised Mr. Swink they would have a representative from the Police Department to speak with him.

Mr. Swink commented, well, see that was the key. He had called the Police Department. He did not know how many times.

Mayor Guess responded they would have someone to contact him. He asked if anyone else wished to address Council.

- C. Ms. Cassandra Swink, 1430 16<sup>th</sup> Avenue NE, agreed with her husband as well. The neighbor across the way had done this to her. She noted she was married to the gentleman in the red jacket (referring to Mr. Swink). Hitting on another man's wife was not cool.

Mayor Guess interjected they would have somebody....

Ms. Swink advised she was sorry to interrupt him, but the cops had been called numerous times. They were not doing a dog gone thing about this. If they would not do something about it, and their dog, the big old bloodhound whatever that thing was, keeps barking, she was going to take the law into her own hands. She was going to have the dog seized. She was not going to be playing with this guy.

Mayor Guess replied he understood.

Ms. Swink responded she had dealt with this guy for almost three years. Nothing done. Something needs to be done. Enough was enough. She had had enough.

Mayor Guess commented they would have somebody to speak with her.

Ms. Swink thanked Council.

Mayor Guess asked if there was anyone else present in the audience who would like to address Council. No one else appeared.

VI. Approval of Minutes

- A. Regular Meeting of October 5, 2021.

Alderman Patton moved, seconded by Alderman Zagaroli that the Minutes of October 5, 2021, be approved. The motion carried unanimously.

VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.

Alderman Patton moved, seconded by Alderman Williams that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

- A. Budget Revision Number 6. (First Reading Vote: Unanimous)
- B. Amendments Related to the Hickory Trail System, Section 18-1, and the Addition of Section 18-59 to Chapter 18 Motor Vehicles and Traffic of the Hickory City Code of Ordinance. (First Reading Vote: Unanimous)
- C. Rezoning Petition 21-05 for 3617 Section House Road, Located Between Adam Street and Garren Drive. (First Reading Vote: Unanimous)

VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.

Alderman Patton moved, seconded by Alderman Williams approval of the Consent Agenda. The motion carried unanimously.

- A. Approved a Resolution Regarding Condemnation of Properties for Temporary and Permanent Easements and Rights-of-Way for Construction of the Multiuse Path System for the OLLE Art Walk.

The OLLE Art Walk is part of the larger Hickory Trail multiuse path system and bond program that seeks to increase quality of life for residents and spur economic revitalization by providing pedestrian and bicycle connectivity throughout the City. The OLLE Art Walk will create a connection between City Walk, via 9<sup>th</sup> Street NW and Old Lenoir Road, and Aviation Walk and the Riverwalk. Per North Carolina General Statutes Chapter 40A the City of Hickory has the power of eminent domain to acquire any property to improve streets, sidewalks, and establish or improve recreational facilities. The City has found it is in the public interest to acquire certain easements and rights-of-way for the construction of the mile, 10-foot-wide multiuse pathway for pedestrian and bicycle connectivity from the City Walk to the Riverwalk via 9<sup>th</sup> Street NW and Old Lenoir Road. The proposed resolution authorizes staff and legal counsel to institute the condemnation proceedings on these properties. Staff recommends Council's approval of the Resolution regarding condemnation of properties for temporary and permanent easements and rights-of-way for construction of multiuse path system for the OLLE Art Walk.

RESOLUTION 21-43

RESOLUTION OF THE HICKORY CITY COUNCIL REGARDING  
CONDEMNATION OF PROPERTIES FOR TEMPORARY AND PERMANENT  
EASEMENTS AND RIGHT-OF-WAYS FOR CONSTRUCTION OF A MULTI-USE PATH  
SYSTEM

RECITALS:

WHEREAS, the City of Hickory (the "City") has the power of eminent domain and may acquire by purchase, gift, or condemnation any property for the purposes of, among other things, opening, widening, extending, or improving roads, streets, alleys, and sidewalks and establishing, enlarging, or improving parks, playgrounds, and other recreational facilities; and

WHEREAS, the City is authorized to institute any and all necessary legal actions under Chapter 40A of the North Carolina General Statutes to condemn and appropriate easements and rights-of-ways for the above stated purposes; and

WHEREAS, the City has determined that it is necessary and in the public interest to acquire certain easements, either on a temporary or permanent basis, and fee simple rights-of-ways in properties located in Hickory, North Carolina for the purpose of constructing a 10-foot-wide multi-use pathway to connect City Walk, Aviation Walk and Riverwalk. 0. The pathway will travel from the City Walk following 9<sup>th</sup> Street NW and Old Lenoir Road to connect with Riverwalk, as generally shown on the Overall Plan and Key Sheet prepared by Vaughn and Melton Consulting Engineers, Inc. , a copy of which is attached hereto as Exhibit A (the "Project"). The pathway is commonly referred to as the "OLLE Art Walk. The City has determined that the taking is reasonably necessary to provide pedestrian and bicycle connectivity from the City Walk to Riverwalk; and

WHEREAS, the City finds that the acquisition, expansion and improvement of easements and rights-of-ways over Lot Nos. 4, 5, 6, 8, 10, 12, 16, 34, 39, 41, 55, 61, and 62 as shown on the plats prepared by Vaughn and Melton Consulting Engineers, Inc.; copies of which are attached hereto as Exhibit B, is necessary and serves a public purpose of improving the function and appearance of those areas and serves to provide bicycle and pedestrian connectivity and safety in the Project area; and

WHEREAS, the City has determined that it will be necessary to acquire by condemnation, either on a temporary or permanent basis, portions Lot Nos. 4, 5, 6, 8, 10, 12, 16, 34, 39, 41, 55, 61, and 62 as shown on Exhibit B (the "Condemned Properties") to complete the Project.

NOW, THEREFORE, BE IT RESOLVED that:

1. The City adopts as true and correct the foregoing recitals and incorporates them as findings herein.
2. For the purposes specified above, it is necessary, practical, and in the best interest of the public and the City that the City acquire, in its name, such easements, either on a temporary or permanent basis, and fee simple rights-of-ways in the Condemned Properties as may be required and which are necessary for completion of the Project.
3. The City, its officers, employees and attorneys, including designated outside counsel, be and are hereby authorized and directed to proceed to take the necessary steps to institute and prosecute such necessary actions and proceed as may be proper for the acquisition of easements, either on a temporary or permanent basis, and fee simple rights-of-ways in said Condemned Properties by eminent domain proceedings pursuant to Chapter 40A of the North Carolina General Statutes, and to prepare, sign, execute, serve, publish and file in the name of the City all eminent domain papers, affidavits and pleadings and said

attorneys are authorized to have prepared such other instruments and documents as may be necessary in connection therewith.

4. The City finds and determines that the Condemned Properties are necessary for the public purposes of construction of the Project and hereby authorizes the acquisition of said Condemned Properties by eminent domain proceedings. The City further authorizes the City attorney, her staff or designated outside counsel to correct minor errors or scrivener's errors to said descriptions, if any, with regard to the condemnation proceeding without further action of this council.

5. The City Director is authorized to have the construction plans updated, revised, or corrected, and to utilize such plans in the condemnation action, including committing to said plans, updates, revisions, or corrections, without further action by this council.

6. The City finds and determines that just compensation for the taking of the Condemned Properties in each particular case is as follows:

- A. DEBRA J. MOORE  
PARCEL 4  
DB 2490, PG 0129  
TAX P.I.N. 370317119154  
Just Compensation for Take of Interests in Parcel 4: \$4,950.00
- B. WESLEY M. STARNES AND BRYN W. STARNES  
PARCEL 5  
DB 2310, PG 0488  
TAX P.I.N. 370317107935  
Just Compensation for Take of Interests in Parcel 5: \$6,300.00
- C. DOUGLAS P. BRADY AND NANCY S. BRADY  
PARCEL 6  
DB 2350, PG 1814  
TAX P.I.N. 370317106945  
Just Compensation for Take of Interests in Parcel 6: \$400.00
- D. TONY L. LYNN  
PARCEL 8  
DB 2097, PG 0976  
TAX P.I.N. 370317114081  
Just Compensation for Take of Interests in Parcel 6: \$28,950.00
- E. GEORGE MOODY  
PARCEL 10  
DB 3408, PG 1666  
TAX P.I.N. 370317112261  
Just Compensation for Take of Interests in Parcel 10: \$9,525.00
- F. BYNUM D. CALDWELL  
PARCEL 12  
DB 3151, PG 0663  
TAX P.I.N. 370317110407  
Just Compensation for Take of Interests in Parcel 12: \$3,525.00
- G. DEBRA J. MOORE  
PARCEL 16  
DB 2490, PG 1292  
TAX P.I.N. 370317116210  
Just Compensation for Take of Interests in Parcel 16: \$22,700.00
- H. FUSE PROPERTIES, LLC  
PARCEL 34  
DB 3588, PG 1478  
TAX P.I.N. 279312951115  
Just Compensation for Take of Interests in Parcel 34: \$2,200.00
- I. HERITAGE HOME BUILDERS  
MANOR HOUSE CONDOMINIUM HOMEOWNERS ASSOC  
PARCEL 39  
DB 2190, PG 1236  
TAX P.I.N. 279312766788  
Just Compensation for Take of Interests in Parcel 39: \$2,300.00
- J. MICHAEL B. ROWE, SR.  
MANOR HOUSE CONDOMINIUM HOMEOWNERS ASSOC

PARCEL 41  
DB 1274, PG 0119  
TAX P.I.N. 279312765829  
Just Compensation for Take of Interests in Parcel 41: \$1,325.00

- K. FUSE PROPERTIES, LLC  
PARCEL 55  
DB 3306, PG 0493  
TAX P.I.N. 279316937837  
Just Compensation for Take of Interests in Parcel 55: \$200.00
- L. DIXON ENTERPRISES OF HICKORY, LLC  
PARCEL 61  
DB 2507, PG 1620  
TAX P.I.N. 370317019880  
Just Compensation for Take of Interests in Parcel 62: \$27,650.00
- M. FROGMORE PLAZA, LLC  
PARCEL 62  
DB 2642, BK 0817  
TAX P.I.N. 370317118125  
Just Compensation for Take of Interests in Parcel 62: \$11,400.00

- B. Approved a Professional Services Agreement with Civil & Environmental Consultants, Inc. in the Amount of \$105,000 for Trivium East Sewer Extension Design.

Staff requests Council's approval of a Professional Services Agreement proposal with Civil & Environmental Consultants, Inc., in the amount of \$105,000 for Trivium East sewer extension design. Trivium Business Park is the business park identified for bond proceeds for the Bond Referendum that was passed by the City of Hickory. The City, Catawba County and Catawba County Economic Development Corporation worked on development of the project to a condition that is receptive to marketing. This phase of the project will consist of survey design, ecological study, mapping and platting, subsurface investigation, permitting and all other necessary services required through construction of the sewerline project. The sewerline will serve the Trivium East property as well as future housing developments that are possible on the Startown Road corridor. Staff recommends Council's approval of a Professional Services Agreement proposal with Civil & Environmental Consultants, Inc., in the amount of \$105,000 for Trivium East sewer extension design.

- C. Approved a Cemetery Deed Transfer from Mary Gordon Watson, unmarried to Michael Howard Gregg and wife, Catherine Summey Gregg, Oakwood Cemetery Sites 3,4,7,and 8, Plot H, Lot 1, Section 50. (Prepared by Susannah L. Brown, Attorney)
- D. Called for a Public Hearing for Consideration of Proposed Amendments to Chapter 21, Section 21-10 of the Hickory City Code of Ordinances. (Authorized Public Hearing for November 2, 2021, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building.)
- E. Approved the Citizens' Advisory Committee Recommendation for Assistance through the City of Hickory's Housing Programs.

The following applicant was considered by the Citizens' Advisory Committee at their regular meeting on October 7, 2021; and is now being recommended for approval for assistance under the City of Hickory's 2021 Urgent Repair Program. This program provides qualified low-income citizens with assistance for emergency related repairs not to exceed \$10,000.

➤ Charles Peeler, 1340 6<sup>th</sup> Avenue Drive NE, Hickory – up to \$10,000.

The Citizens' Advisory Committee recommends approval of the aforementioned request for assistance through the City of Hickory's housing assistance programs.

- F. Accepted the Construction Bid and Authorized the City Manager to Execute the Construction Contract with Wilkie Construction Co. Inc. in the Amount of \$1,465,260 for Construction of a 12,000 Square Foot Hangar at the Hickory Regional Airport.

Staff requests the acceptance of the construction bid and authorize the City Manager to execute the construction contract with Wilkie Construction Co., Inc. in the amount of \$1,465,260 for construction of a 12,000 square foot hangar at the Hickory Regional Airport. The project will be financed and repaid with funding from additional property tax revenues received from the City of Hickory and Burke County per a 2021 agreement to assist with the addition of airport hangars to meet increased demand from the aviation community. Additional hangar rental revenue and fuel sales will also assist in repayment

of the debt. Staff recommends Council’s acceptance of the construction bid and authorize the City Manager to execute the construction contract with Wilkie Construction Co., Inc. in the amount of \$1,465,260.

G. Approved on First Reading Budget Revision Number 7.

ORDINANCE NO. 21-36  
BUDGET REVISION NUMBER 7

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2022, and for the duration of the Project Ordinances noted herein.

SECTION 1. To amend the General Fund within the FY 2021-22 Budget Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Public Safety	6,006	-
TOTAL	6,006	-

To provide funding for the above, the General Fund Revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous Revenue	6,006	-
TOTAL	6,006	-

SECTION 2. To amend the Water and Sewer Fund within the FY 2021-22 Budget Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	52,500	-
TOTAL	52,500	-

To provide funding for the above, the Water and Sewer revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	52,500	-
TOTAL	52,500	-

SECTION 3. To amend the Transportation Fund within the FY 2021-22 Budget Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	1,465,260	-
TOTAL	1,465,260	-

To provide funding for the above, the Transportation Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	1,465,260	-
TOTAL	1,465,260	-

SECTION 4. To amend the Trivium Corporate Center (#B1B004) Capital Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	105,000	-
TOTAL	105,000	-

To provide funding for the above, the Trivium Corporate Center (#B1B004) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	52,500	-
Restricted Intergovernmental	52,500	-
TOTAL	105,000	-

SECTION 5. To establish the Airport Hangar 5 Project Ordinance (#APHOW5) the expenditures shall be established as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	1,465,260	-
TOTAL	1,465,260	-

To provide funding for the above, the Airport Hangar 5 Project Ordinance (#APHOW5) revenues will be established as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	1,465,260	-
TOTAL	1,465,260	-

SECTION 6. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

- IX. Items Removed from Consent Agenda – None
- X. Informational Item
- XI. New Business:
  - A. Public Hearings
    - 1. Consideration of Proposed Redistricting Plans – Presentation by City Manager Warren Wood.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on October 8, 2021.

City Manager Warren Wood presented a PowerPoint. He discussed for Council's consideration three proposed redistricting plans. He explained at a broad level, the equal protection clause of the U.S. Constitution required where electoral districts were used, they must be substantially equal in population so that each person's vote counts about the same. That was what this was all about. They talk about redistricting as much as anything, it was rebalancing the wards from a population perspective. Municipalities like Hickory that have the election districts or wards in the City's case, were required to consider redistricting every 10-years. The census was late. They use the census as a guide every 10-years. That was why they were running behind because it did not come out until late, so they were not able to follow the same election schedule that other cities and jurisdictions were following. He referred to the PowerPoint and pointed out the bars which represented the six awards. He noted the lines up top, in the middle and below. Each ward had to be within 5 percent of the ideal number. Looking at a snapshot of today they could see that maybe wards two and three fell within the 5 percent either above or below the ideal, but the rest did not. Ward six was way above, ward one was way below. That was what needed to be rebalanced to get these wards within five percent above or below the ideal number. That was the exercise that they had gone through with the three proposals.

City Manager Warren Wood discussed the timeline. On August 17<sup>th</sup>, it was the initial redistricting presentation to City Council, laying all this out. They had been pretty methodical about going through this. September 7<sup>th</sup> Council approved 10 redistricting criteria that City Council wanted to consider. Those were the same 10. He noted this was the third one of these he had been through, and they had used those 10 criteria each time. On September 21<sup>st</sup>, the proposed redistricting plan was laid out, which was the initial Options A and B. He mentioned that Deborah Stagner, the Attorney with Tharrington Smith, who had helped them through this process was present if Council had any questions. They also engaged a Demographer this time around to help draw the maps and make sure the wards were balanced. On October 5<sup>th</sup>, after receiving feedback from two Council members on input that was invited by the consultant, City Council added an Option C, which basically was taking Option A and amending that. City Council approved to add that third option and it also met the 10 criteria that City Council had laid out. Tonight, they have the public hearing and Council had to choose one of the three options. He explained the way this would work, they would go through the three options that he would lay out, they would have the public hearing on all of the options, and they could invite comment on each of the three. After the public hearing was closed, he would make a recommendation and then City Council could vote on whichever option they felt was appropriate. It did not have to be the one he recommended. Assuming that they reach a point where there was a vote in the affirmative for one of the options tonight, they would come back on November 2<sup>nd</sup> with final adoption of the new ward map on 2<sup>nd</sup> reading. There would actually be a Resolution associated with that as well. They need to get the new ward map submitted to the Board of Elections by

November 17<sup>th</sup>. That was the timeline they were working under. If that timeline, the November 17<sup>th</sup> date was met, which they need to, they would have the filing period December 6 – 17, and the primary would be March 8<sup>th</sup> and the general election April 26<sup>th</sup>. That was the timeline where they had been and where they would go moving forward. He knew it was going to be odd to have a municipal election in March and April, but with the census being delayed, that was what they were left with. The State was the one that laid this out for them. He mentioned that he thought Long View was the only other municipality in Catawba County that was going through the same process, and they had adopted their new map.

City Manager Warren Wood discussed Option A. There was not a tremendous amount of difference between the existing ward map and any of the options. There were some differences obviously with the rebalancing, there was some give and take on some of the makeup of each ward. Council had the demographic data associated with each option. They could see between the various options, there was not much difference in the demographic makeup of these various wards. Each one of these options the population fell within 5 percent of the ideal either above or below. Each one was compliant. On Option B they could see a little bit of a difference. He noted it had some spurs that go off in one way or another in some of the wards. That was just another option. He explained how Option C was developed. They took Option A and amended it to reflect, just to be specific, Alderwoman Patton, ward six, there was a concern that in that particular ward they had lost part of the Shuford Development and in this particular case Alderwoman Patton, her neighbors across the street were not even in her ward. They made some basic fundamental changes, but it did not change the makeup that much in terms of the geographic design of this. In ward two, Sunset Hills neighborhood was originally in this ward. There was a request that if they could add it back to ward two, and the consultant was able to do that and still abide by the 10 criteria that they laid out. Option C was a valid option for Council to consider. He reiterated that Ms. Stagner was present, and they would be glad to answer any questions. They had been fairly methodical trying to walk through this. They do this once every 10-years and those were the three options as they had presented.

Mayor Guess asked for any questions. He explained the rules for conducting the public hearing. He declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal. No one appeared. Mayor Guess asked if there was anyone present to speak in favor of the proposal. No one appeared. Mayor Guess closed the public hearing and asked for any further discussion or a motion.

City Manager Warren Wood advised this was completely City Council's option of which one they wanted to go with. He advised having gone through this process and seeing the various options, he recommended Option C. It was ultimately City Council's decision. All this information had been on the City's website for the public to view including the demographic information.

Alderman Wood agreed with City Manager Warren Wood. He looked at the options and he had been leaning towards Option A, because he thought they were entrusting the attorneys to ensure that it complied legally. His focus was on minimizing voter confusion and maintaining the integrity of the neighborhoods. He thought Option C did that especially for ward six. Not having a person living across the street from you in a different ward. He agreed with Option C as well.

Alderwoman Patton advised that was hers as well. She felt like just to keep the integrity of the neighborhood itself, which was why she had asked that, and she appreciated that.

Mayor Guess commented as he looked at all the three options other than what had already been discussed, it really was not that drastic between A, B, and C. He did not really see a preference there other than the fact that it made sense to keep someone across the street from you that had been there in their ward. He completely understood that. That and Sunset Hills development was the only two additions. He agreed with that as well. He asked for any other discussion.

Mayor Guess moved, seconded by Alderwoman Patton approval of adopting proposed redistricting Option C. Ayes: Alderman Wood, Alderwoman Williams, Alderman Seaver, Alderman Zagaroli, Alderwoman Patton, and Mayor Guess. Nay: Alderman Williams. The motion passed 6-1.

2. Approved the Voluntary Contiguous Annexation of 1.99 Acres of Property Located at 2185 13<sup>th</sup> Avenue Drive SE, PIN 3712-20-80-5063 – Presentation by Planning Director Brian Frazier.



PTM, LP petitioned for the voluntary contiguous annexation of 1.99 acres of property located at 2185 13<sup>th</sup> Avenue Drive SE. The subject property is currently located within Hickory's extraterritorial jurisdictional area (ETJ), and zoned Regional Commercial (C-3). The annexation is being requested to connect to the City's utility system and fulfill an agreement to annex the properties along 13<sup>th</sup> Avenue Drive SE as they are developed. Development intensities within commercial districts are governed by floor area ratios. In this specific district the maximum floor area ratio is 2:1. Given the property's size, development could theoretically yield up to 165,000 ft<sup>2</sup> of commercial floor area. The subject property is currently vacant; however, the property owners intend to construct a diesel fueling facility on the property. The owner of the property is Sheetz, who operates a convenience store immediately to the east. The proposed annexation area will be combined with the property of the existing convenience store and operated as a single facility. The current tax value of the property is \$868,300. If annexed with its present value, the property would immediately generate additional tax revenues of \$5,448. Upon analysis, staff determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on October 8, 2021.

City Manager Warren Wood asked Planning Director Brian Frazier to the podium to present Council with the voluntary contiguous annexation request for 1.99 acres of property located at 2185 13<sup>th</sup> Avenue Drive SE.

Planning Director Brian Frazier presented a PowerPoint presentation. He advised the request was from PTM, LP for annexation. Tommy Anastasia was the agent. It was a voluntary continuous annexation on 13<sup>th</sup> Avenue Drive SE. The property was located between the existing Sheetz gasoline station/convenience store and then up the hill to the west, Hobby Lobby. The acreage was just under two acres, in ward three. It was currently a vacant site. The future development was for a Sheetz diesel fueling center, just like the gasoline station, but especially for tractor trailer traffic right off of the interstate. He clarified that this was not a truck stop in any way shape or form, just an on/off diesel fueling station. Annexation was being requested to obtain connection to City sanitary sewer. He referred to the PowerPoint map and pointed out the crosshatch which was the City's voluntary contiguous annexation City boundaries. He pointed out the City limits, and the extra territorial jurisdiction (ETJ). He pointed out property that was currently in the ETJ. He pointed out the Sheetz gas station, Hobby Lobby, and McDonald Parkway. He referred to PowerPoint and displayed the zoning map. He pointed out the location north of I-40 was industrial and pretty much everything south was C-3 regional commercial, including the subject site. He displayed an aerial ortho photography and pointed out the subject parcel, the current Sheetz, a parcel that remained undeveloped, and Hobby Lobby. He advised there would be a pedestrian staircase and sidewalks connecting Sheetz gasoline/convenience store with the Sheetz fueling station. They would have their own separate access point onto 13<sup>th</sup> Avenue Drive. The voluntary annexation petition complied with all applicable annexation Statutes of the State of North Carolina. Staff had determined through their survey that adequate public services were available in sufficient quantities to serve the site. The annexation of the property would not cause any available public services to fall below standard acceptable levels. Based upon these findings, staff respectfully recommended approval of the requested annexation. He asked for any questions from Council.

Mayor Guess asked for any questions. He explained the rules for conducting the public hearing. He declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal. No one appeared. Mayor Guess asked if there was anyone present to speak in favor of the proposal. No one appeared. Mayor Guess closed the public hearing.

Alderman Patton moved, seconded by Alderman Seaver approval of the voluntary contiguous annexation for 2185 13<sup>th</sup> Avenue Drive SE, Hickory. The motion carried unanimously.

ANNEXATION ORDINANCE NO. 468  
VOLUNTARY ANNEXATION ORDINANCE (CONTIGUOUS)  
PTM, L.P.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE  
CITY OF HICKORY, NORTH CAROLINA, PURSUANT TO

GENERAL STATUTES 160A-58.1, AS AMENDED (CONTIGUOUS)

WHEREAS, the City Council of the City of Hickory desires to annex the area described herein, under G.S. 160A-58.1, as amended; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said annexation; and

WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 7:00 p.m. on the 19<sup>th</sup> day of October 2021; and

WHEREAS, the City Council of the City of Hickory further finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the City of Hickory.
- b. No point on the proposed satellite corporate limits is closer to another city than to the City of Hickory.
- c. The areas described are so situated that the City will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits.
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation.

WHEREAS, the City Council of the City of Hickory does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign and all other requirements of G.S. 160A-58.1 as amended, have been complied with; and

WHEREAS, the City Council further finds that the annexation is otherwise valid, and that the public health, safety, and welfare of the City of Hickory and of the areas proposed for annexation will be best served by annexing the area herein described.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following-described contiguous territory is hereby annexed and made a part of the City of Hickory as of the 31<sup>st</sup> day of October 2021:

CONTIGUOUS ANNEXATION  
OF THE PROPERTY OF PTM, L.P.  
2185 13<sup>TH</sup> AVENUE DRIVE SE, HICKORY

BEING A PARCEL OF LAND LOCATED HICKORY TOWNSHIP, CATAWBA COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 0.5" REBAR FOUND IN THE NORTHERN RIGHT OF WAY OF 13TH AVENUE DRIVE S.E. {70' R/W) HAVING A NC GRID COORDINATES OF N:719,831.09 FEET, E:1,318,619.36 FEET AND BEING THE SOUTHWESTERN CORNER OF THE PTM LP PARCEL AS RECORDED IN DEED BOOK 3302, PAGE 931, CATAWBA COUNTY REGISTRY; THENCE ALONG SAID NORTHERN RIGHT OF WAY OF 13<sup>TH</sup> AVENUE DRIVE S.E., N 66°58'04" WA DISTANCE OF 259.44 FEET TO A REBAR WITH CAP FOUND AT THE SOUTHEASTERN CORNER OF THE ADITYA PRERANA LLC PARCEL AS RECORDED IN DEED BOOK 3476, PAGE 991, CATAWBA COUNTY REGISTRY; THENCE LEAVING SAID NORTHERN RIGHT OF WAY OF 13<sup>TH</sup> AVENUE DRIVE S.E. AND ALONG THE EASTERN BOUNDARY OF SAID ADITYA PRERANA LLC PARCEL, N 23°01'08" EA DISTANCE OF 352.75 FEET TO A REBAR WITH CAP FOUND AT THE NORTHWESTERN CORNER OF SAID ADITYA PRERANA LLC PARCEL AND IN THE SOUTHERN RIGHT OF WAY LINE OF INTERSTATE 40; THENCE ALONG SAID SOUTHERN RIGHT OF WAY LINE OF INTERSTATE 40 THE FOLLOWING TWO (2) COURSES: 1) S 54°45'56" E A DISTANCE OF 125.65 FEET TO A CONCRETE MONUMENT FOUND; THENCE 2) S 71°44'27" EA DISTANCE OF 137.37 FEET TO A 0.5" REBAR FOUND AT THE NORTHWESTERN CORNER OF SAID PTM

LP PARCEL; THENCE LEAVING SAID SOUTHERN RIGHT OF WAY LINE OF INTERSTATE 40 AND ALONG THE WESTERN BOUNDARY OF SAID PTM LP PARCEL, S 23°03'46" WA DISTANCE OF 337.62 FEET TO THE POINT OF BEGINNING CONTAINING 1.999 ACRES.

Section 2. Upon and after the 31<sup>st</sup> day of October 2021, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hickory and shall be entitled to the same privileges and benefits as other parts of the City of Hickory. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10, as amended.

Section 3. The newly annexed territory described herein shall become part of Ward No. 3 of the City of Hickory.

Section 4. The Mayor of the City of Hickory shall cause to be recorded in the Office of the Register of Deeds of Catawba County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with duly certified copy of this Ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

B. Departmental Reports:

1. Approved the Agreements with JRN Development to Construct Affordable Housing on City-Owned Property – Presentation by Community Development Manager Karen Dickerson.

Staff requests City Council's approval of the Development and Purchase Agreements with JRN Development to construct affordable housing on City-owned property. In 2019, the City of Hickory received funding to construct two affordable houses near the intersection of 8<sup>th</sup> Avenue Drive SW and 3<sup>rd</sup> Street Place SW. These two homes were completed and sold to income eligible homebuyers in spring 2021. The City owns six additional lots in the loop road behind these two homes. These lots were purchased with Community Development Block Grant funding so the land must be used to benefit low-and-moderate income residents. JRN Development has approached the City with a development proposal to build affordable housing for owner occupants on these six additional lots. The homes will have 3 bedrooms, 2 bathrooms, and at least 1,100 square feet. The design of the homes will be similar to the homes already constructed by the City in the area. The development agreement requires that a deed restriction be placed on the six parcels to ensure that the parcels are only sold to households earning less than 80 percent of the area median income. The developer has agreed to pay \$3,000 per lot (\$18,000 total) to purchase the property. Staff believes the sales price to be reasonable based on the restriction placed on the lots. Tax value of the parcels range from \$3,100 to \$4,300 depending on the size of the lot. The proceeds from the lot sales will be Community Development Block Grant program income and will be used to meet program objectives. NCGS 160D-1316 permits municipalities to sell property for affordable housing by private sale without having to go through the upset bid process. The development agreement requires completion of the homes within 12 months of the property sale. Based on the timeline in the agreement, construction will begin approximately 90-days after the sale of the property. Staff recommends Council's approval of the development and purchase agreements with JRN Development.

City Manager Warren Wood mentioned through the years the City had come into possession and ownership of a number of residential lots around the City. There was a need for affordable housing. The City built two affordable homes through a program with the Western Piedmont Council of Governments in the Ridgeview community. That program worked but it was somewhat cumbersome, and the bureaucracy involved. Staff had researched and come up with a new approach they wanted to present for Council's consideration. It would be approval of agreements with JRN Development to construct affordable housing on City-owned property. He asked Community Development Manager Karen Dickerson to the podium to present the information to Council.

Community Development Manager Karen Dickerson presented a PowerPoint presentation. She discussed the City's potential affordable housing partnership with JRN Development. She joked that City Manager Warren Wood stole some of her thunder because she was going to talk about what a hot topic affordable housing was across the country. They all knew that it had been a buzzword. In 2019, they began the first phase of the City's affordable housing initiative on City-owned lots. The City partnered with the Western Piedmont Council of

Governments and built two affordable homes. The homebuyers received down payment assistance through two sources, the Western Piedmont Council of Governments, and the North Carolina Housing Finance Agency Community Partners loan pool. The City sold those homes this past summer. She referred to the PowerPoint and displayed photos of the homes. She commented they were beautiful, lovely, and they were really proud of those. As City Manager Warren Wood mentioned they realized that they want to be able to do this at a larger scale. They began discussions with JRN Development. They were located in the Charlotte/Lake Norman area, and they specialized in construction of affordable housing. Part of the agreement was they would pay the City \$3,000 per lot. There were six lots, so that was \$18,000. They would construct the lots using special steel framing technology. They have a vertically integrated system that allows them to do structurally engineered walls and framing in a factory, then they bring them on site. They would construct six homes, and the project was expected to be completed within 12-months. The project was also expected to be started 90- days after the agreement was set. Those homes would sell within a range of \$145,000 - \$170,000.

Ms. Dickerson referred to the PowerPoint and pointed out the location of the site on the map. She pointed out the location of the homes that they recently built and the six lots that JRN would be developing on.

Mayor Guess questioned if the City also owned another piece of property on the map that Ms. Dickerson displayed.

Ms. Dickerson confirmed the parcel he was questioning and advised the City previously owned it but had actually sold that to Habitat and they were going to be building three homes there as well. That whole area was specifically designated for affordable housing because the City initially purchased that land with CDBG (Community Development Block Grant) funding and with that in mind they have to keep it for affordable housing. She advised they had talked to Western Piedmont Council of Governments (WPCOG), and they had agreed to help them complete the income verification for these potential homeowners. They have to be at 80 percent of the area median income or below, which was roughly \$48,250 for a family of four this year. That would change again next year. Because they are helping them income qualify, the hope was that they would also receive down payment assistance from the COG as well. With the last process they had some partners that they worked with through the Community Partners loan pool, that could offer down payment assistance to these homeowners as well. She referred to the PowerPoint and displayed some potential home designs. These came from the presentation that JRN sent them. They were very much in keeping with the model of what they had done. She referred to the PowerPoint and pointed out how close the location would be to the Historic Ridgeview Walk. It would be trying to build up that development of vacant land that had not been doing anything for anyone for the last several years. She asked for any questions.

Alderman Williams commented in totality that whole area would encompass or accommodate 11 affordable houses.

Ms. Dickerson responded correct, and the City owns some land across the street, so the hope was if they could make this successful to continue broadening that out.

Council members liked the concept.

Mayor Guess asked for any further questions. He thanked Ms. Dickerson.

City Manager Warren Wood advised Council would need a motion.

Mayor Guess commented if there was not any further discussion, they would need a motion and a vote to be able to move forward.

Alderman Patton moved seconded by Alderman Williams approval of development and purchase agreements with JRN Development.

Alderman Patton thought that this was a great start of a good partnership with the City taking the property that the City had invested in over the years that needed help and reutilize those properties for affordable housing which they desperately need. She thought it was a great thing.

Alderman Williams concurred with Alderman Patton. He commented it was also great for the community. The City was revitalizing and also providing an

opportunity for people to become homeowners, so he totally agreed it was a great thing.

Mayor Guess advised there was a motion and a second. He took the vote. The motion carried unanimously.

RESOLUTION NO. 21-44

A RESOLUTION AUTHORIZING THE PRIVATE SALE OF  
CITY OWNED PROPERTY

WHEREAS, the City of Hickory is the owner of six parcels located at 3rd Street Place SW and 3rd Street Court SW, Hickory, NC 28602 having Catawba County PINs of 370210459267, 370210459334, 370210459400, 370210456288, 370210456354, and 370210456337. These properties are further described as lots 2, 3, 4, 8, 9, and 10 of the Ridgeview Subdivision recorded in Plat Book 80 at Page 87 at the Catawba County Register of Deeds.

WHEREAS, North Carolina General Statute §160D-1316 provides that a city may contract with a public or private entity that provides affordable housing to persons of low or moderate income by the private sale procedures outlined in North Carolina General Statute §160A-267; and

WHEREAS, JRN Development ("JRN"), a North Carolina limited liability company has agreed to provide affordable housing opportunities to low- and moderate-income homeowners; and

WHEREAS, JRN desires to construct additional affordable housing units in the City of Hickory; and

WHEREAS, the City and JRN acknowledge that affordable housing in the City is an issue impacting individuals, communities, and the general public; and

WHEREAS, City desires to assist JRN in providing affordable housing by conveying the City's aforementioned properties 3rd Street Place SW and 3rd Street Court SW to the company.

THEREFORE, THE CITY COUNCIL OF THE CITY OF HICKORY RESOLVES THAT:

1. The City Council authorizes the City Manager to execute the sale of the described property using the private sale procedure of North Carolina General Statute §160A-267 with said property more particularly described as lots 2, 3, 4, 8, 9, and 10 of the Ridgeview Subdivision recorded in Plat Book 80 at Page 87 at the Catawba County Register of Deeds.
2. The City's sale of the 3rd Street Place SW and 3rd Street Court SW property to JRN is subject to the terms of the Development Agreement approved by the Hickory City Council on October 19, 2021.
3. As additional consideration, the sale is contingent upon JRN covenanting to construct a home on each of the six properties for the public purpose of creating affordable housing for low- and moderate-income individuals.
4. Said covenants and restrictions will be specifically defined in the City's deed of sale of the property to JRN.
5. The City Clerk shall publish a notice summarizing the contents of this resolution, and the property may be conveyed at any time after 10 days after the publication of this notice.

2. Appointments to Boards and Commissions

**CITIZENS ADVISORY COMMITTEE**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Small Cities Project Area

VACANT

**COMMUNITY APPEARANCE COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Ward 4 (Alderman William Appoints)  
At-Large (Outside City but within HRP) (Council Appoints)

VACANT

VACANT

**COMMUNITY RELATIONS COUNCIL**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Other Minority (Council Appoints)  
Other Minority (Council Appoints)  
Other Minority (Council Appoints)  
Differently Abled and is African American or Other Minority (Council Appoints)

VACANT

VACANT

VACANT

Differently Abled (Council Appoints) VACANT  
Beth Whicker  
(Not Eligible for Reappointment)

**HISTORIC PRESERVATION COMMISSION**

(Terms Expiring 6-30; 3-Year Terms (Appointed by City Council)  
Licensed Architect (Council Appoints) Ernie Sills  
(Not Eligible for Reappointment)  
At-Large (2)(Council Appoints) Mary Moorer  
(Eligible for Reappointment/Does Not Wish to Serve Again)

**LIBRARY ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Ward 4 (D. Williams Appoints) VACANT  
Ward 6 (Patton Appoints) Gail Miller  
(Eligible for Reappointment/Does Not Wish to Serve Again)

**PUBLIC ART COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Ward 4 (D. Williams Appoints) VACANT  
At-Large (Mayor Appoints) Beth Bowman  
(Not Eligible for Reappointment)

**PUBLIC HOUSING AUTHORITY**

(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)  
Position 3 (Mayor Appoints) VACANT  
Position 9 (Mayor Appoints) (Unexpired Term of Rebecca Clements) VACANT

Mayor Guess nominated Reverend David Roberts and Gary Fulbright to the Public Housing Authority.

**YOUTH COUNCIL**

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Youth Council Applicant Review Committee Recommends the Following Appointments:

Fred T. Foard VACANT  
Homeschool VACANT

Alderman Seaver moved seconded by Mayor Guess approval of the above nominations. The motion carried unanimously.

C. Presentation of Petitions and Requests

XII. Matters Not on Agenda (requires majority vote of Council to consider)

XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature

City Manager Warren Wood mentioned that Deputy City Attorney Arnita Dula's father passed away last week. He asked everyone to remember her and to pray for her family. Her father was a good man, with a great family, and he was deeply loved by Arnita and family.

Mayor Guess commented if he was not mistaken, he served at the Police Department in Lenoir for about 20-years.

City Manager Warren Wood advised 25-years for Lenoir Police Department.

Mayor Guess requested that everyone remember Deputy City Attorney Arnita Dula and her family in their thoughts and prayers.

XIV. There being no further business, the meeting adjourned at 7:38 p.m.

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Mayor

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City Clerk